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An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2102, as amended by PL 2003, c. 452, Pt. Q, §§54 to 57 and affected by Pt. X, §2, is further amended to read:

§ 2102. Unlawful use of license or identification card; unlawful dissemination of protected information

A person commits a Class E crime if that person: The following provisions govern the unlawful use of a license or identification card and the unlawful dissemination of information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994, 18 United States Code, Sections 2721 to 2725 (2006).

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. Displays A person commits a Class E crime if that person displays a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;.

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. Possesses A person commits a Class E crime if that person possesses a revoked, suspended, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province;.

1-B. Display suspended driver's license or identification card; crime. A person commits a Class E crime if that person displays a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-C. Display suspended driver's license or identification card; traffic infraction. A person commits a traffic infraction if that person displays a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

1-D. Possess suspended driver's license or identification card; crime. A person commits a Class E crime if that person possesses a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

1-E. Possess suspended driver's license or identification card; traffic infraction.

A person commits a traffic infraction if that person possesses a suspended driver's license or identification card issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

2. Loan. ~~Knowingly~~A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued ~~or represented to be issued~~ by this State or any other state or province;.

3. Representation. ~~Displays~~A person commits a Class E crime if that person displays or represents as ~~one's~~that person's own a driver's license or identification card issued to another by this State or any other state or province;.

4. Use. ~~Knowingly~~A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued ~~or represented to be issued~~ by this State or any other state or province; ~~or.~~

5. Privacy laws or rules; violation. ~~Knowingly~~A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the ~~Federal~~federal Driver's Privacy Protection Act of 1994.

~~Violation of this section~~subsection 1, 1-A, 1-B, 1-D or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. 2. 29-A MRSA §2412-A, sub-§8, as enacted by PL 2009, c. 297, §2, is amended to read:

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:

- A. Failure to pay a fine;
- B. Failure to pay a license reinstatement fee; or
- C. Suspension for a dishonored check.

SUMMARY

This bill amends the offense of possessing or displaying a suspended license by creating a 2-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. The bill provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a crime. The bill also provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a traffic infraction.

The bill further adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A.

The bill also clarifies which prohibited acts are strict liability crimes.